

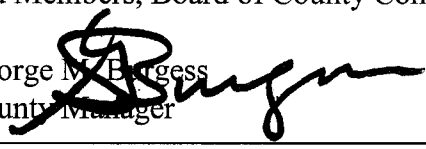


## MEMORANDUM

Agenda Item No. 11(B)2

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**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed. D. and Members, Board of County Commissioners **DATE:** May 25, 2004

**FROM:** George M. Burgess, County Manager  **SUBJECT:** Post-Session Legislative Report on Article V

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The Florida Legislature enacted a comprehensive 151-page Article V “glitch bill”, SB 2962, during the last week of the legislative session. SB 2962 is now awaiting transmittal to the governor and if signed into law will be effective July 1, 2004. SB 2962 is the final legislative phase of Article V implementation that began upon passage of Revision 7 to the Florida Constitution in 1998. SB 2962 contains many provisions that benefit Miami-Dade County, including the following:

1. Courthouse bonds; estimated \$8 million annual benefit to Miami-Dade County. Miami-Dade County and its lobbying team lead the effort to pass legislation to provide a revenue stream to pay annual debt service on outstanding bonds for court facilities, in conjunction with Hillsborough and Bay Counties, which also had outstanding bonds. SB 2962 included authority for counties to impose a \$15 traffic fine surcharge for court facilities that covers the debt service on more than \$130 million in outstanding bonds for the new juvenile courthouse and the Lawton E. Thomas Courthouse Center. Any remaining revenue from the \$15 surcharge may be used for other court facilities. The courthouse bond issue was reported as perhaps the biggest win for the Miami-Dade Delegation during this difficult legislative session in a Miami Herald article dated May 2, 2004.
2. Technology funding; estimated \$12 million annual benefit to Miami-Dade County. In cooperation with the Florida Association of Counties, Miami-Dade County worked to secure a revenue stream to pay for technology costs of the courts, clerks, state attorneys and public defenders. The legislature had previously shifted all technology costs for these court stakeholders to counties. In SB 2962, the legislature passed a \$4 fee on deeds and other recorded documents to fund court stakeholder technology costs. Of the \$4 fee, \$2 goes to the clerk to pay for clerks’ technology needs and the remaining \$2 goes to the county to pay for the technology needs of the courts, state attorneys and public defenders.
3. \$65 court cost; estimated \$3.8 million annual benefit to Miami-Dade County. SB 2962 authorizes counties to impose a \$65 criminal court cost that provides partial funding for legal aid, law libraries, teen court, juvenile assessment centers and court innovation.
4. Prosecution of local ordinances; estimated \$4.9 million annual benefit to Miami-Dade County. SB 2962 reduces the filing fee for prosecution of local ordinance violations from \$200 to \$10, with an additional court cost to the non-prevailing party of \$40. SB 2962 also allows for flexibility in contracting with the state attorney’s office and public defender’s office for the prosecution and defense of local ordinances.

5. DJJ cost shift; estimated \$11.7 million detriment to Miami-Dade County. Though not included in SB 2962, the legislature shifted to the counties funding of pretrial detention of juveniles in SB 2564, and linked this issue to the Article V cost reallocation. Though the Senate showed that the state roughly broke even on Article V even without the DJJ cost shift, the legislature nevertheless transferred this cost to counties, with the House passing the DJJ cost shift bill as part of the budget package in the closing hours of the session by a narrow 62-55 vote.

Thanks go to the Miami-Dade Delegation and in particular Senator Alex Villalobos and Representatives Gaston Cantens, Marco Rubio, Dan Gelber and J.C. Planas for their strong support of the county on the Article V issue, as well as many others both within and outside Miami-Dade County for their help on this issue.

As separate items on this agenda for your consideration are two ordinances for first reading that implement the \$15 surcharge to fund courthouse bonds and other court facilities needs and the \$65 court cost to partially fund legal aid, law library, teen court, juvenile assessment center and other diversion programs, and court innovations. These items require local implementation. All other provisions are implemented by state statute.

  
Assistant County Manager